

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
BOAT OWNERS ASSOCIATION OF :
THE UNITED STATES :

Plaintiff, :

- against - :

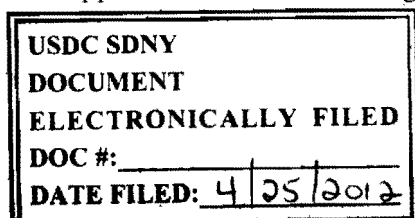
RICHARD A. DOSIN JR. and :
DOSIN'S TOWING, INC., :Defendants. :
-----X**ORDER GRANTING
PRELIMINARY INJUNCTION**

12 Civ. 1815 (ER)

Ramos, D.J.:

Plaintiff Boat Owners Association of the United States commenced this action for injunctive relief by filing a Complaint on March 12, 2012. On March 19, 2012, Plaintiff moved by Order to Show Cause for a preliminary and permanent injunction ordering Defendants to immediately remove the "TowBoat U.S." service mark, signage and graphics from any towing vessel, vehicles, office or other property of Defendants and enjoining Defendants' use of the "TowBoat U.S." service mark or any colorable imitation of the mark in association with towing services not authorized by the Plaintiff. This Court entered the Order on March 19, 2012, directing Defendants to file any opposition to Plaintiff's request by March 30, 2012, and to show cause before the Court on April 5, 2012 why an order granting the requested relief should not be entered. Defendants were served with a copy of the Order and Plaintiff's supporting papers on March 23, 2012. Defendants did not file any opposition to Plaintiff's request for injunctive relief.

This Court held a show cause hearing on April 5, 2012, at which Defendants failed to appear. The Court having considered Plaintiff's complaint, the Declaration of Adam Wheeler



and the exhibits annexed thereto, finds that Plaintiff is the owner of the valid, registered service mark "TowBoatU.S." with the exclusive right to use the mark in commerce, and that Defendants' unauthorized use of Plaintiff's mark is likely to cause confusion among consumers, which will result in irreparable harm to Plaintiff in the absence of injunctive relief. Therefore, it is hereby ORDERED that:

1. Defendants shall within ten days of service of a copy of this Order remove the "TowBoatU.S." mark, signage and graphics from any towing vessel, vehicle, office or other property of Defendants, and provide photographic evidence of said removal to Plaintiff;
2. Defendants are preliminarily enjoined from using the "TowBoatU.S." service mark in commerce;
3. Defendants are preliminarily enjoined from using the "TowBoatU.S." service mark or any colorable imitation of the mark in association with towing services not authorized by Plaintiff; and
4. Plaintiff shall serve a copy of this Order on Defendants by personal service on or before April 30, 2012, and shall file evidence of such service immediately thereafter.

SO ORDERED.

Dated: April 25, 2012
White Plains, New York


Edgardo Ramos, U.S.D.J.